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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-981*

13 **JENI LEE ARGANBRIGHT**
220 Nice Lane, Apt. 104
14 Newport Beach, CA 92663

A C C U S A T I O N

15 **Registered Nurse License No. 695151**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about January 8, 2007, the Board of Registered Nursing issued Registered
24 Nurse License Number 695151 to Jeni Lee Arganbright (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on July 31, 2014, unless renewed.

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1 to fix the degree of discipline or to determine if the conviction is substantially related
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
12 the conviction shall be conclusive evidence thereof.

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
16 licensed under this chapter to do any of the following:

17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
19 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
20 dangerous or injurious to himself or herself, any other person, or the public or to the
21 extent that such use impairs his or her ability to conduct with safety to the public the
22 practice authorized by his or her license.

23 (c) Be convicted of a criminal offense involving the prescription, consumption,
24 or self-administration of any of the substances described in subdivisions (a) and (b) of
25 this section, or the possession of, or falsification of a record pertaining to, the
26 substances described in subdivision (a) of this section, in which event the record of
27 the conviction is conclusive evidence thereof.

28 11. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere
made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
board may order the license or certificate suspended or revoked, or may decline to
issue a license or certificate, when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the

1 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
2 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
guilty, or dismissing the accusation, information or indictment.

3 REGULATORY PROVISIONS

4 12. California Code of Regulations, title 16, section 1444, states:

5 A conviction or act shall be considered to be substantially related to the
6 qualifications, functions or duties of a registered nurse if to a substantial degree it
7 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

8 (a) Assaultive or abusive conduct including, but not limited to, those violations
9 listed in subdivision (d) of Penal Code Section 11160.

10 (b) Failure to comply with any mandatory reporting requirements.

11 (c) Theft, dishonesty, fraud, or deceit.

12 (d) Any conviction or act subject to an order of registration pursuant to Section
290 of the Penal Code.

13 13. California Code of Regulations, title 16, section 1445 states:

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15 (b) When considering the suspension or revocation of a license on the grounds
16 that a registered nurse has been convicted of a crime, the board, in evaluating the
17 rehabilitation of such person and his/her eligibility for a license will consider the
following criteria:

18 (1) Nature and severity of the act(s) or offense(s).

19 (2) Total criminal record.

20 (3) The time that has elapsed since commission of the act(s) or offense(s).

21 (4) Whether the licensee has complied with any terms of parole, probation,
restitution or any other sanctions lawfully imposed against the licensee.

22 (5) If applicable, evidence of expungement proceedings pursuant to Section
23 1203.4 of the Penal Code.

24 (6) Evidence, if any, of rehabilitation submitted by the licensee.

25 COSTS

26 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(February 7, 2012 Criminal Conviction for DUI on July 2, 2011)**

6 15. Respondent has subjected her license to disciplinary action under sections 490 and
7 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
8 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
9 follows:

10 a. On or about February 7, 2012, in a criminal proceeding entitled *People of the*
11 *State of California v. Jeni Lee Arganbright*, in Orange County Superior Court, case number
12 11HM14632, Respondent was convicted on her plea of guilty of violating Vehicle Code section
13 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of 0.08 percent or
14 more, a misdemeanor. Pursuant to a plea agreement, the court dismissed an additional count of
15 violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol.
16 The court certified Respondent's BAC as .17 percent.

17 b. As a result of the conviction, on or about February 7, 2012, Respondent was
18 sentenced to serve one day in the Orange County Jail, with credit for one day, and she was
19 granted informal probation for three years. Respondent was further ordered to complete a three-
20 month Level 1 First Offender Alcohol Program, pay fees, fines, and restitution, and comply with
21 DUI probation terms.

22 c. The facts that led to the conviction are that shortly before midnight, on or about
23 July 1, 2011, a motor patrol officer with the California Highway Patrol observed a vehicle driven
24 by Respondent exceeding the speed limit and drifting in her lane of travel. The CHP officer
25 followed Respondent's vehicle and conducted a traffic stop. Upon contact with Respondent, the
26 officer noted that her eyes were red and watery, and there was a strong odor of an alcoholic
27 beverage emitting from within the vehicle. Respondent was asked to exit her vehicle; she was
28 unsteady on her feet and had to hold her vehicle for balance. Another CHP unit arrived at the

1 scene and conducted a DUI investigation. Respondent submitted to a series of field sobriety tests
2 which she could not complete as explained and demonstrated by the officer. Respondent was
3 arrested for driving under the influence of alcohol. During booking, Respondent provided a
4 blood sample which was analyzed with a BAC of .17 percent.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Dangerous Use of Alcohol)**

7 16. Respondent has subjected her registered nurse license to disciplinary action under
8 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about July 1,
9 2012, as described in paragraph 15, above, Respondent used alcoholic beverages to an extent or
10 in a manner that was dangerous and injurious to herself, and to others in that she operated a motor
11 vehicle while significantly impaired.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Alcohol-Related Criminal Conviction)**

14 17. Respondent has subjected her registered nurse license to disciplinary action under
15 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about February
16 7, 2012, as described in paragraph 15, above, Respondent was convicted of an offense involving
17 the consumption of alcohol.

18 **DISCIPLINARY CONSIDERATIONS**

19 18. To determine the degree of discipline, if any, to be imposed on Respondent, pursuant
20 to California Code of Regulations, title 16, section 1445, subdivision (b), Complainant alleges
21 that on or about December 17, 2001, in the Iowa District Court for Black Hawk County, case
22 number SM102957, Respondent was convicted her plea of guilty of violating section 123.46 of
23 the Iowa Criminal Code, public intoxication, a misdemeanor.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,

and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 695151, issued to Jeni Lee Arganbright;
2. Ordering Jeni Lee Arganbright to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

April 26, 2013



for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2013704968